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BY
MANN HUTCHESON, F.S.A.
TOWN-BAILIFF 1788.

"MIHI LICEAT DICERE FACTA DOMESTICA."

WISBECH:
PRINTED BY W. NICHOLSON;
1791.

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INTRODUCTION
TO THE
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A N

I N T R O D U C T I O N
T O T H E
C H A R T E R O F W I S B E C H.

THE GUILD* of the Holy Trinity in WISBECH, was a religious Fraternity, possessed of Estates for pious and charitable purposes; under the Superintendence of an Alderman, Clerk, Bailiff, Dean, and two Chamberlains:—the subaltern Officers were Steward in the Hall, Server at the Kitchen-Board, two Cup-Bearers, and two Distributors

* *Mr. James Bellamy* has in his Possession a deed, dated 23d. May 29 Henry 8, to which is appendant the Seal of Trinity Guild.—the Seal, which is two Inches and three eights in Diameter, is nearly intire; and is impressed with three human Figures, typical of the Trinity, or incomprehensible union of the three Persons in the Godhead:—the lower Extremities of the Figures are charged with a castellated Edifice, and the Seal is circumscribed “SIGILLUM COMMUNITATUM GILDÆ—TRINITATIS DE WYSBECHÆ.” In the only part where the Seal is mutilated was, I apprehend the adjective “SANCTÆ.”

of Alms, under the Name of "Servers of poor People" *

The first Institution of this Fraternity is fixed, with Precision, to the Year 1379; the 2d. year of the Reign of King Richard II. †

King Edward VI. having compleated, on the solid Foundations of Piety and good Sense, that Reformation in Religion, which originated in the violence, Avarice, and Caprice of his Father King Henry the VIII. and the Monasteries, and other Religious and ecclesiastical Houses, being, by the Acts passed for their Dissolution, vested in the Crown; the Guild of the Holy Trinity shared in the general Wreck of all that had once been considered pious, or venerable.

But the Inhabitants of WISBECH availed themselves of the Statute passed by Edward, on his accession to the Throne; which provided, that, where any Fraternity, by the first Institution thereof, ought to have kept a Grammar School, the King's Commissioners should appoint Lands of such Fraternity, to continue in succession to a School-Master for ever.

Also that, where any Profit or Benefit had been payable to any poor Persons, the Commissioners should

* Records of Trinity Week 1537,

† Return made by the Guild to the Commissioners of Henry VIII. to inquire into the Revenues,

assign Lands for continuance of the same for ever: And farther, that they should have a power to appoint Lands for the Maintenance of "Piers, Jetties, Walls, or Banks against the rage of the Sea, Havens, or Creeks."*

That the Guild now under consideration supported a Grammar School, is a very reasonable and safe Conclusion: it being well known, that all the religious Houses, anterior to the Reformation, were Schools of Learning, and Education: each of them having one Person, or more, appointed for that purpose; and all the Neighbours that desired it, might have their Children taught Grammar, and Church Music: † And, as most, if not all, such religious Houses were obliged daily to relieve many poor People, the Fraternity of Trinity Guild were under a similar obligation; and had even two officers for that purpose. ‡ And, when, to what has been already advanced, is added, that the Charter of Charles II. expressly enjoins the CAPITAL BURGESSES to repair such Sea-shores and Banks, "as the Guild had been accustomed to do;" it is most apparent that all the provisions of Edward's Statute were applicable to the Constitution of the Guild; and that the Inhabitants availed themselves of them accordingly.

But, if any part of this Reasoning, were fallacious,

*Words of the Statute. †BURN' Ecclesiastical Law, Title Monasteries. ‡Records 1537.

the Schedule of the Possessions of the Guild, at the time of it's Dissolution, yet remaining among the Town Records confirms what has been contended for, by declaring, that there had annually been paid to a School-Master a Stipend of £ 10. 6s. 8d. and £ 3. 15s. distributed amongst the Poor.—the last has continued invariably to this Day; and the *Town-Bailiff* being the Distributor, the objects of the Charity have rejected the Name of the *King's Dole*, by which it was distinguished from having been enjoined by the Charter, and stile it the *Town-Bailiff's Money*.

Thus, by a Charter under the Great Seal of England, obtained at the solicitation of GOODERICHE Bishop of Ely, who accommodated the Inhabitants with £ 30. towards defraying the Fees and other Expences; EDWARD, on the 1 of June 1549, in consideration of £ 260. 10s. 10d. paid into the augmentation Office, elevated the Town into a CORPORATION by the Stile of THE INHABITANTS OF WISBECH; who were thereby invested with all the Estates lately belonging to Trinity Guild, laying in 8 Parishes, occupied by 39 Tenants, and of the annual Rent of £ 28. 2s. 3½d.

The Estimate given into the Crown doubtless fell far short of the real value of the Estates, it being certain that the Inhabitants were highly favoured: Nor was this

singular, the Revenues of all the religious Fraternities that were suppressed having been calculated very low;—some even ten Times less than their real Value. *

On Monday in Trinity Week 1547, the Members of the Guild assembled for the last Time; when they elected the following Officers

JOHN PROCKTER,	Alderman.
ROBERT SCORTRED,	Bailiff.
HENRY JOHNSON,	} Chamberlains.
WILLIAM DAY,	
JOSEPH BAXTER,	Steward in the Hall.
GEORGE MOORE,	Server at the Kitchen-Board.
JOHN WILSON,	} Cup-Bearers.
RICHARD SPENCE,	
WILLIAM ANDREWS,	} Almoners.
JOHN AUSTIN,	

It is worthy of Remark here, that in the Choice of Officers the *Dean* is omitted, though it is very natural to suppose that he could not be dispensed with; and this would be undoubtedly true, if the Dean of Trinity Guild had been an ecclesiastical Office: but that it might be, and really was, executed by a Layman,

is clear from a *Tailor* having been elected to it two successive Years: We are therefore of Course led to enquire, what was the Duty incumbent on this Officer? but of this difficulty I have not any Solution at Hand more satisfactory, than supposing (what is not improbable) that the *Dean*, as now at *Inverness* in SCOTLAND, superintended the Markets, and regulated the prices of Provisions.*

From the defect of Records, I have not been able to discover an Election, under the Charter, of the *Ten Men* as they were called *Gratia Eminentiae*, earlier than the *first* day of November 1564, and this being the first handed down to us, I shall give their Names

RICHARD EVERARD, Esq.
 ROBERT SCOTRED,
 ROBERT BEST,
 EDWARD WYLKS,
 EDWARD STORYE,
 THOMAS BUTCHER, a Carpenter.
 WILLIAM DAY,
 NICHOLAS MITCHELL,
 ALEXANDER COXON,
 HENRY MARKEMAN.

* PENNANT'S TOUR.

On the next day, the *Decemviri* elected RICHARD BEST, who was *not* of their Body, to be T O W N - B A I L I F F; an unequivocal proof that the Office was not then held in that estimation it is at this Time.

Notwithstanding the directions in Edward's Charter, it is not to be inferred with infallible certainty, that Elections were annual; the next that occurs, and is recorded formally, being on the first day of November 1586, and, from the Title which introduces the Election in 1596, may be concluded for what salutary purposes the *Ten Men*, supposed themselves to be selected from the Mass of Inhabitants.

"Wisebech infra	}	"Primo Die Novembris Aó
"Inful: Elien: in		"Domini 1596 Aó Regni
"Comit: Cantabr:"		"Dné nre Elizabeth: Dei
		"Gratia Angliæ Franc: et Hiberniæ
		"Regine Fidei Defensoris 38."

"The Assemblye and Metyng the same Day
 "of many Keepers of Familis within the Towne
 "of Wisebech and of the Inhabitaunts of the Towne
 "of Wisebeche beyng one Body and Communitie

*C

" incorporated by the Name of the Inhabitaunts
 " incorporate of the Town of Wisebeche within
 " the Ile. of Ely in the Countie of Cambrydge by
 " Vertue of the Letters Patent graunted to the
 " said Inhabitaunts by the late Kyng of famous
 " memory Edward the fyxt Kyng of England &c.
 " as dyd Assemble themselves in the Common Hall
 " of the sayd Towne called the Towne Hall by
 " the greater Number of which Persons there present
 " assembled in the foresayd first day of November
 " were of new Elected and chosen tenne Men of
 " the better more quyet more honest good and
 " more discrete that have Judgment to discerne and
 " vawlew Thyngs of the Inhabitaunts cheryshyng and
 " nouryshyng an Howshold and Familie in the said
 " Towne of Wisbeche for and to the Intent and
 " purpose that the same tenne Men so chosen and
 " duely elected should have full Power and Autho-
 " ritye for one Yeaere next after such Election to
 " demise let and set for the Inhabitaunts aforesayd
 " the Lands Tenements and Hereditaments belong-
 " yng to the Body Corporate aforesayd and to have
 " the Care and Administration of the Lands Te-
 " nements and Hereditaments aforesayd and of all
 " and syngular the Goods Busynessess and other
 " Thyngs belongyng to the sayd Body Corporate
 " accordyng to the Effect of the foresayd Letters

“ Patents to the foreſayd Inhabitaunts aforeſayd
 “ graunted.”

It is an Observation * in Weſtminſter Hall, that the Statute of *Wills*, which paſſed 29 Car : II. though it has coſt £ 100,000. to expound it, is not yet underſtood : But the Inhabitants of WISBECH, in the 16th. Century, ſeem to have poſſeſſed an aſtoniſhing ſhare of Sagacity ; as it required only five and thirty Years to diſcover the Intent for which they became a Body Corporate : for, ſo far as the Records warrant my Aſſertion, the *Ten Men*, before the Year 1583, did little elſe than meet once a Month at the Town Hall, and immediately “ out of mutual Love and Amity ” adjourn to a Tavern, where they dined at a Groat a Head (which was equal at leaſt to 1s. 6d. of our preſent Money, as the Treasures of the New World were but beginning to get into Circulation) and decided petty Controverſies amongſt the Inhabitants ; but afterwards they Proceeded farther than they were warranted by the Charter :—they took Cognizance of the Accompts of the Church-Wardens, and Surveyors of Highways ;—Alſo of the Conſtables, not only of WISBECH ST. PETER’S, but of WISBECH ST. MARY’S, and GUYHIRN ; and directed

* BARRINGTON on the ancient Statutes.

the Application of the Monies they collected.—they even arrogated to themselves a Right to impose an Acre-Shot on the Lands on the South side of WISBECH ST. PETER'S; and, during the *Plague*, which raged here in the Years 1587 and 1588, they summoned Delinquents before them, and punished them *Ad Libitum*.

From the Records we are led to discover the Motive for renewing the Charter; and amplifying the Privileges of the *Ten Men*.

Having purchased Lands of one HART in *Walpole*, the Inhabitants were required to do Service for the same to the King; which (relying on their Charter) they refused, and obtained from the Court of Exchequer a Decree in their Favour: but this occasioned so great an Alarm, that Mr. MATTHIAS TAYLOR (who appears on every Occasion to have been a Man of the first Importance in WISBECH) was intrusted with the Charter, that he might “form an “Opinion of it.”*

Of this Opinion we must remain in Ignorance, and may do so without Regret, as Mr. TAYLOR, not being a Lawyer, his Competency to judge of the legal

* Records of 29 January 1606—7.

Operation of the Charter seems rather problematical ; but the Alarm subsided, and we hear no more of the Charter, 'till the 2d. of November 1610, when it was resolved, that it should be “ delivered to WIL-
 “ LIAM WYLKES, MATTHIAS TAYLOR and THOMAS
 “ CROSSE, to be carried up to *London*, and to
 “ be renewed to the best Profit of the Inhabitants,
 “ as their learned Councel in Law should devise
 “ or advise, for the better Benefit of their more pea-
 “ ceable, and quyet Election ; and to add unto the
 “ same, if it should be renewed, full Power and
 “ Authority for the purchasing of Lands and Tene-
 “ ments, to the Valew of three, four, or five
 “ Pounds per Annum ; and the Election to be made
 “ by Freeholders over and above 40 Shillings by
 “ the Yeare.”

What Difficulties the Inhabitants had to encounter there was then no *Town-Bailiff* anxious to record ; but it would not be credited, if the Information were derived from a fallible Source, that the Expence of obtaining a Renewal of the Charter amounted to the enormous Sum of £ 193. 19s. 3d.*

* Records of 14 February 1610—11.

equal nearly to £ 600. Money of the present Time.

The Inhabitants gained an Increase of Dignity as well as Power by the Charter of James I. under the great Seal of England, dated 28, January 1610-11, whereby they were constituted a Body corporate by the Name and Stile of THE BURGESSES OF THE TOWN OF WISBECH; to continue *in perpetuum*, with Power to enjoy Estates in Fee, or in any other Manner, and with Confirmation of all their Estates and Privileges granted by Edward VI.—

By the same Charter, the tumultuous Choice of the *Ten Men* was rescued from the House-Keepers at large, and confined to the most respectable of them, being ascertained by each of them, having a Freehold, within the Town, of forty Shillings per Annum; which, being equal to six Pounds at this Day, excluded those of an inferior Class.

And the Charter provided, that, if the Freeholders neglected in any Year to meet on the 2d. day

of November to chuse Ten Men "*de Melioribus*," who were dignified with the Title of

C A P I T A L B U R G E S S E S ;

then the Capital Burgesſes of the preceding Year ſhould aſſemble the next Day, and proceed to Election: But though, according to the Ideas of this Age, ſuch a Precaution ſeems to have been unneceſſary, yet the Incident did actually occur in 1666. *

On the 14th. February 1610—11 the *Ten Men* nominated by the Charter aſſembled, for the firſt Time, and aſſumed the Title of C A P I T A L B U R G E S S E S, but it is obſervable that, though their Proceedings were ever afterwards recorded with ſcrupulous Punctuality, yet they did not begin to authenticate them by their Signatures till the 11th. January 1666.

The Seal appendant to the new Charter was ſcarcely cold, before the Capital Burgeſſes did an Act of all others the moſt imprudent, though not repugnant to the Tenor of the Charter, by Sale of a

* Records in the Poſſeſſion of Mr. CREASY of Downham.

Messuage in WISBECH, and six Acres of Land in Harvey-Field ;—the Messuage, standing in the new-Market, occupied by RICHARD PEARSON, and purchased by NICHOLAS SANDFORD, are Circumstances which point to that now occupied by Mr. NICHOLSON.

But the Capital Burgeesses will almost stand excused at this Moment, when it is understood, as it manifestly appears from the Records, that the Money which on every Occasion came to their Hands was very conscientiously disposed of; and the Surplus, after all Exigencies were supplied, was lent to the Inhabitants: and it astonishes us that, in December 1610, there were deposited in the Town-Chest fifty-eight Bonds (promisory Notes, such as we see them at this Day, being then unknown) and, on 13th. November 1609, seventy-one Bonds, from so many of the Inhabitants who had borrowed Money of the Capital Burgeesses; though, from the Sums, we are led to suppose the Debtors to have been of the lowest Class, the largest Sum being £ 11. 13s 4d. and from thence to go, in a retrograde Progress, down to 10 Shillings.

After the Renewal of the Charter by James I. the Capital Burgeesses became Objects of Veneration, and

Confidence; and were accordingly intrusted with the Care of nearly all the Donations made for the Benefit of the Poor; and that they were of no small Importance in their own Eyes, is evident from the Monument erected to the Memory of the above MATTHIAS TAYLOR; where it is recorded that he "was chosen one of the Capital Burgeses of this Towne, and of that Number, without any Dislocation, continued to his dying Day," And this precedes the notifying that he was "Constable of the Castle, and Justice of Peace, and *Cuorum*."

The *Town-Bailiff*, as the executive Officer, has at this Day, as in the 16th. Century, the intire Management of the Estates and Affairs of the Corporation; but it is not very clear how far his Power extended in the last Century: for, though he seems to have been always intrusted with the Town-Purse; yet there is generally a distinct Order for that Purpose of the Capital Burgeses, immediately following that which constituted him *Town-Bailiff*. *

What Abuses had crept into the Administration of the Affairs of the Town that required Reformation,

* Records in Mr. CREASY's Possession.

or what else suggested the Idea that it was necessary to have the Charter confirmed by Charles II. cannot with Certainty be known ; but a Proposal to that End met with the universal Approbation of the Inhabitants (though they revolted at the Attempt made by the Capital Burgeſſes, to continue themſelves in Office during Life) and, on 27th. February 1669, a new Charter paſſed the Great Seal, and was deposited in the Town-Cheſt on the 20th. April ; and, on the 4th. November following the Capital-Burgeſſes took the Oaths of Allegiance.

By theſe Letters Patent the Inhabitants are to every Intent a Body Corporate ; and, as ſuch, being an inviſible Body, cannot manifeſt it's Intentions by any perſonal Act or oral Diſcourſe, it therefore Acts and Speaks only by it's Common Seal. *

If it ſhould be objected that the Subject of the foregoing Sheets is unimportant, let it be remembered that it intereſts by it's Locality, and that the Pamphlet is ſhort, and unexpenſive :—to read it, the Man of Buſineſs may find Time ; and the Man of Leiſure may find Patience.

A
CAPITULARY
OF THE
CHARTER, OF KING CHARLES II.

AFTER an *Inspeximus* of the Charters of Edward VI. and James I. the Charter of Charles II. confirms the Inhabitants, *in Perpetuum*, a Body corporate and politic, by the Name of the Burgeses of the Town of WISBECH with the following Privileges.

I. To receive and possess Estates 'in Fee and Perpetuity, or for Life, Lives, or Years, or otherwise.

II. To demise, sell, or exchange such Estates.

III. To prosecute, and defend Suits.

IV. To have a Common Seal.

V. The Freeholders seized of any Estates of

Inheritance, or Freehold within the Town, or within the Circuit, or precincts of the same; of the clear yearly Value of 40s. and being Housekeepers, on 2d. November yearly to assemble in the Common Hall and elect "*Ten of the most Honest and better Sort*" "*and the most prudent of the Burgeses being Housekeepers*" to be CAPITAL BURGESSES with Power, for one whole Year, to let the Estates of the Burgeses for 21 Years; and have the care of all their Affairs and Transactions.

VI. If the Freeholders do not assemble and vote on 2d. November, the Capital Burgeses on the 3d. to chuse Ten Capital Burgeses for the ensuing Year.

VII. Capital Burgeses may summon so many Burgeses, *of the more honest Sort and Housekeepers*: as shall seem expedient to consult about such of their Affairs as concern the public Good.

VIII. THOMAS EDWARDS Esqr. JOHN NEALE, RICHARD HARRISON, JAMES WHINNELL senior, JOHN MARSHALL, JOHN COXON, HENRY TUNNARD, Gents. THOMAS GOATES, RICHARD ROYSE, and JOHN GARDENER, appointed Capital Burgeses 'till 2d. November 1669.

IX. Burgesſes may receive, and poſſeſs other Eſtates not exceeding £ 100. per Annum.

X. That there ſhall be perpetually a School, for the Inſtruction of Youth in Grammatical Learning, and polite Letters ; with a Maſter, learned in the Latin, and Greek Tongues, at a Salary of £ 12. per Annum.

XI. Appointment of the School-Maſter veſted in the Capital Burgeſſes, with the Conſent of any other Ten Inhabitants, having voices in the Election of Capital Burgeſſes.

XII. Biſhop of Ely Viſitor of the School.

XIII. School-Maſter to continue for Life, unleſs deprived by the Biſhop for Miſbehaviour.

XIV. Capital Burgeſſes yearly to diſtribute £ 3. 15s. amongſt the Poor.

XV. ~~_____~~ To maintain ſuch Sea-Shores, Banks, and Streams, as the Trinity Guild was accuſtomed to do.

XVI. ~~_____~~ On Monday preceding

the Election, and again on 2d. November to produce their Accompts to the Inhabitants having Voices in the Election.

XVII. Confirmation of the Charters of Edward VI. and James I.

XVIII. Indemnity against any Writ of *Quo Warranto* for Misconduct, prior to the date of the Charter.

XIX. Capital Burgeses and School-Master to take the Oaths of Allegiance.

XII. Bishop of Ely Visitor of the School.

XIII. School-Master to continue for Life, unless

deprived by the Bishop or his Successors.

XIV. Capital Burgeses yearly to distribute

1s. among the Poor.

XV. To maintain such Sea-

Shores Banks, and Streams, as the Trinity Guild

was accustomed to do.

P. 5. L. 24, expunge the Comma at reasoning

P. 7. L. 21, for Deap, read Deanry.